

Exhibit “A”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

JOSHUA CARCHI,

Plaintiff(s),

-against-

JAY P. MICHAEL and POTTLES TRANSPORTATION, LLC.,

Defendant(s).

X

SUMMONS AND COMPLAINT

Index No. *708780/2019*

Plaintiff designates
QUEENS County
as the place of trial
The basis of venue is
Plaintiff's Residence:
73 Spring Garden Street
Queens, NY 11580

X

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: New York, New York
May 20, 2019

/s/ Alexander Roytblat

BY: ALEXANDER ROYTBLAT, ESQ.
This SUMMONS AND COMPLAINT
and the papers on which it is based, are
certified pursuant to Section 130-1.1-a
of the rules of the Chief Administrator
(22NYCRR)

ROYTBLAT LAW GROUP, PLLC

Attorney(s) for Plaintiff(s)
Office and Post Office Address
80 Broad Street | Suite 1302
New York, New York 10004
(212) 444-9970

Notice: The object of this action is to recover for personal injury
due to defendant(s) negligence

The relief sought is Monetary Damages

Upon your failure to appear, judgment will be taken against you by default with interest from August 23, 2018 and the costs
of this action.

DEFENDANT(S) ADDRESS(ES)

JAY P. MICHAEL
11 Leisure Drive
Ossipee, NH 03814
VIA SECRETARY OF STATE

POTTLES TRANSPORTATION, LLC.,
2333 Golden Key Road
Kutztown, PA 19530
VIA SECRETARY OF STATE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

JOSHUA CARCHI,

Plaintiff(s),

X
Index No.: 208790/2019
Date Purchased: 5/20/2019

-against-

JAY P. MICHAEL and POTTLES TRANSPORTATION, LLC.,

Defendant(s).

X
**VERIFIED
COMPLAINT**

Plaintiff JOSHUA CARCHI by his attorneys, ROYTBLAT LAW GROUP, PLLC, as and for his Verified Complaint against Defendants, JAY P. MICHAEL and POTTLES TRANSPORTATION, LLC., respectfully alleges, upon information and belief as follows:

1. That at all times hereinafter alleged, Plaintiff, JOSHUA CARCHI, was and still is a resident of the County of QUEENS, in the State of New York, and as such, he is subject to the jurisdiction of this Honorable Court.
2. That at all times hereinafter alleged, Defendant, JAY P. MICHAEL, was and still is a resident of the State of New Hampshire.
3. That at all times hereinafter mentioned, Defendant, POTTLES TRANSPORTATION, LLC., was and still is a foreign corporation duly licensed and authorized to do business in the State of New York.
4. That at all times hereinafter mentioned, Defendant, POTTLES TRANSPORTATION, LLC., did conduct and carry on business in the State of New York.
5. That at all times hereinafter mentioned, Defendant, POTTLES TRANSPORTATION, LLC., was and still is a partnership doing business in the State of New York.
6. That at all times hereinafter mentioned, Defendant, POTTLES TRANSPORTATION, LLC.,

was and still is a limited liability company doing business in the State of New York.

7. That at all times hereinafter mentioned, Defendant, POTTLES TRANSPORTATION, LLC., was and still is a sole proprietorship doing business in the State of New York.

8. That at all times hereinafter mentioned, Defendant, POTTLES TRANSPORTATION, LLC., transacted business within the State of New York.

9. That at all times hereinafter mentioned, Defendant, POTTLES TRANSPORTATION, LLC., derived substantial revenue from goods used or consumed or services rendered in the State of New York.

10. That at all times hereinafter mentioned, Defendant, POTTLES TRANSPORTATION, LLC., derived substantial revenue from interstate or international commerce.

11. That on or about August 23, 2018, Defendant, POTTLES TRANSPORTATION, LLC., was a registered owner of a 2015 VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063.

12. That on or about August 23, 2018, Defendant, POTTLES TRANSPORTATION, LLC., was a titled owner of a 2015 VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063.

13. That on or about August 23, 2018, Defendant, POTTLES TRANSPORTATION, LLC., did maintain a 2015 VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063.

14. That at all times hereinafter alleged, Defendant, JAY P. MICHAEL, was the operator of a 2015 VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063.

15. That on or about August 23, 2018, Defendant, JAY P. MICHAEL, did maintain a 2015 VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063.

16. That on or about August 23, 2018, Defendant, JAY P. MICHAEL, did control a 2015

VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063.

17. That on or about August 23, 2018, Defendant, POTTLES TRANSPORTATION, LLC., was a registered owner of a 2015 VOLVO tractor-trailer motor vehicle bearing Maine registration number 3024063.

18. That on or about August 23, 2018, Defendant, POTTLES TRANSPORTATION, LLC., was a titled owner of a 2015 VOLVO tractor-trailer motor vehicle bearing Maine registration number 3024063.

19. That on or about August 23, 2018, Defendant, POTTLES TRANSPORTATION, LLC., did maintain a 2015 VOLVO tractor-trailer motor vehicle bearing Maine registration number 3024063.

20. That at all times hereinafter alleged, Defendant, JAY P. MICHAEL, was the operator of a 2015 VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063.

21. That on or about August 23, 2018, Defendant, JAY P. MICHAEL, did maintain a 2015 VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063.

22. That on or about August 23, 2018, Defendant, JAY P. MICHAEL, did control a 2015 VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063.

23. That on or about August 23, 2018, defendant, JAY P. MICHAEL, was an agent, servant and or/employee of the defendant, POTTLES TRANSPORTATION, LLC.

24. That on or about August 23, 2018, Defendant, JAY P. MICHAEL, was operating the aforesaid 2015 VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063, with the express and/or implied authority, consent, permission and or/ratification, and/or within the scope of his duties and responsibilities as an agent, servant and or/employee of Defendant, POTTLES TRANSPORTATION, LLC.

25. That on or about August 23, 2018, Defendant, JAY P. MICHAEL, did control and operate a 2015 VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063 on

Merrick Boulevard at or near its intersection with Brookville Boulevard in the County of Queens, State of New York.

26. That at all times hereinafter mentioned, Merrick Boulevard and Brookville Boulevard, were and still are a public streets and/or thoroughfare in the County of Queens, State of New York.

27. That on or about August 23, 2018, 2016 KIA motor vehicle bearing State of Rhode Island registration number PZ920 operated by Plaintiff, JOSHUA CARCHI, was struck, collided into by, and had an accident with, the aforesaid 2015 VOLVO tractor-trailer motor vehicle bearing State of Maine registration number 3024063 owned by Defendant POTTLES TRANSPORTATION, LLC. and operated by Defendant JAY P. MICHAEL.

28. That the aforesaid collision and accident was the result of negligence, carelessness and recklessness of the Defendants, as follows: the Defendants were negligent, careless and reckless in the ownership, operation, maintenance, inspection, repair, custody and control of his motor vehicle; that Defendant's motor vehicle was operated at an excessive rate of speed; the Defendants operated his motor vehicle in an improper and negligent manner given the attendant circumstance, and in violation of applicable laws, rules, regulations, and/or ordinances; that non-use and/or improper use was made of the horn, signals, steering and braking mechanisms to Defendants' motor vehicle; that the operator of Defendants' motor vehicle failed to yield the right of way, warn, pay heed and attention to existing traffic and roadway conditions, signals and devices, and failed to operate his motor vehicle in a reasonable safe manner and distance under the attendant circumstance, and failed to avoid the happening of the subject accident; that the operator of Defendants' motor vehicle failed to act as a reasonable, safe, and prudent driver, so as to cause and/or contribute to the happening of the subject accident; in failing to keep a proper look out; in operating a motor vehicle violation of the statutes, ordinances, rules and regulations made and provided therefore including but not limited to violation of New York State Vehicle and Traffic Law Sections 116, 375, 600, 1100, 1101, 1110,

1111, 1112, 1113, 1120, 1127, 1128, 1129, 1141, 1142, 1143, 1146, 1151, 1160, 1163, 1172, 1180, 1180(e), and 1213; being liable under the doctrine of *res ipsa loquitur*, and, in otherwise causing the damages sustained by plaintiff; all in violation of the statutes, ordinances, rules and regulations made and provided therefore. That the Defendants improperly, unreasonably, negligently, carelessly and recklessly operated his motor vehicle so as to wrongfully enter the subject accident; and that the Defendant(s) was otherwise careless, reckless and negligent.

29. That Plaintiff, JOSHUA CARCHI, was free from contributing and/or comparative negligence in the happening of the subject occurrence.

30. That as a result of this occurrence, Plaintiff, JOSHUA CARCHI, sustained serious and severe personal injuries and nervous shock, were rendered sick, sore, lame and disabled, and have remained so since this occurrence, have required medical treatment, will upon information and belief require additional care and treatment in the future, and upon information and belief sustained economic and/or property damages.

31. That the said occurrence, and the injuries resulting therefrom, were caused solely and directly by reason of the negligence, recklessness and carelessness of the defendants, JAY P. MICHAEL and POTTLES TRANSPORTATION, LLC., without any fault or negligence on the part of the Plaintiff contributing thereto.

32. That plaintiff sustained serious injuries and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

33. Solely as a result of the defendants' negligence, willful, wanton and gross negligence as aforesaid, plaintiff has sustained a serious personal injury and/or impairment which resulted in dismemberment; significant disfigurement; fracture; permanent loss of a body organ, or member; permanent consequential limitation of use of a body organ or member; significant limitation of use of a body function or system; loss of normal pursuits and pleasures of life; and/or a medically

determined injury or impairment which prevents plaintiff from performing substantially all of the material acts which constituted plaintiff's usual and customary activities for such period of time all as specified by Section 5102 of the Insurance Law, Subsection (d); in all to their damages both compensatory and exemplary in an amount, which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction and which warrants the jurisdiction of this Court.

34. That Plaintiff, JOSHUA CARCHI, is a covered person, and has sustained a "serious injury", within the meaning of Section 5102 of the Insurance Law of the State of New York.

35. That one or more exceptions to the limited joint and several liability provisions set forth in Article 16 of the CPLR apply.

36. That Plaintiff, JOSHUA CARCHI, therefore, seeks monetary damages for this cause of action in excess of the jurisdictional limits of all lower Courts, the specific sum of which to be determined by the trier of fact and law.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in a sum exceeding the jurisdiction of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York
May 20, 2019

Yours, etc.

/S/Alexander Roytblat
Alexander Roytblat, Esq.
ROYTBLAT LAW GROUP, PLLC
Attorneys for Plaintiff(s)
80 Broad Street | Suite 1302
New York, New York 10004
Ph. (212) 444-9970

STATE OF NEW YORK)

COUNTY OF QUEENS) SS:

The undersigned, an attorney admitted to practice in the Courts of the State of New York, states that affiant is a member of the firm of ROYTBLAT LAW GROUP, PLLC, the attorneys for the plaintiff, JOSHUA CARCHI, that affiant has read the foregoing SUMMONS AND COMPLAINT and knows the contents thereof, and that same is true to the affiant's knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters affiant believes to be true.

That reason this verification is made by affiant and not by the plaintiff, is that JOSHUA CARCHI resides outside of the county where the affiant's office is located. The source of affiant's knowledge and the grounds of belief as to those matters therein stated to be alleged on information and belief are correspondence and investigations which have been made concerning the subject matter in this action, and which are in possession of the said attorneys.

The undersigned affirms that foregoing statements are true, under the penalties of perjury.

Dated: New York, New York
May 20, 2019

/S/ Alexander Roytblat
ALEXANDER ROYTBLAT, ESQ

Index No.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

JOSHUA CARCHI,

Plaintiff,

-against-

JAY P. MICHAEL and POTTLES TRANSPORTATION, LLC.,

Defendants.

SUMMONS AND COMPLAINT

ROYTBLAT LAW GROUP, PLLC
Attorney for Plaintiff

Office and Post Office Address, Telephone
80 Broad Street | Suite 1302
New York, New York 10004
TELEPHONE (212) 444-9970

"WE DO NOT ACCEPT SERVICE BY ELECTRONIC TRANSMISSION (FAX)"

Attorney(s) for

Service of a copy of the within is hereby admitted
Dated:

Attorney(s) for

ROYTBLAT LAW GROUP, PLLC
Attorney for Plaintiff
80 Broad Street, Suite 1302
New York, New York 10004
212-444-9970